

REMARKS

Some claims were rejected for minor informalities and have been amended accordingly.

Claims 10 - 21 and 31 - 44 are allowed.

Claims 5 and 26 are cancelled.

In the Examiner's Response to Arguments, the Examiner states in the first full paragraph on page 6 of the Final Office Action mailed April 18, 2006:

"Scholder discloses a movement tracking mechanism (320) that uses a trackball (322) to determine position and a user position tracking mechanism (330) that uses a touchpad (220) to determine position. The accuracy of the touchpad is greater than that of the trackball, therefore when the user decides (determines) to use the touchpad, it has been decided that the accuracy of the trackball is not sufficient and the touchpad is used instead..." (emphasis added). Therefore, based upon the Examiner's interpretation, Scholder requires a human being (in the form of a user) to determine the "accuracy of the first tracking information". It is the user that then makes the decision to switch from using the trackball to using the touchpad when the user determines that the accuracy of the trackball is not sufficient.

According to MPEP 2111, "during patent examination, the pending claims must be given their broadest reasonable interpretation consistent with the specification" (emphasis added). It appears therefore that the Examiner's has rendered an unreasonably broad interpretation of claim 1 that is wholly inconsistent with the plain meaning of the specification. More particularly, not only does the specification not teach nor even remotely suggest human interaction in the decision making process, it would be impossible for a human being to make the kind of decisions described in the specification. For example, at paragraph [0022] reproduced below:

"In those situations, where the observed dead reckoning tracking error is less than the dead reckoning tracking error threshold E_{thresh} , the microcontroller 106 adjusts the duty cycle signal S to as to deactivate the optical tracking engine 102. In this way, the tracking information provided to the computer 112 is formed of only the dead reckoning tracking information provided by the accelerometer 104. In this way, by turning off the high power consumption optical tracking engine 102, the power consumed by the computer mouse 100 is substantially reduced. It should be noted, however, that since the accelerometer 104 is susceptible to any number of sources of error (some of which are described above), at periodic calibration intervals, the microcontroller 106 adjusts the duty cycle signal S in such a way that the optical tracking engine 102 is activated for a period of time sufficient to provide a calibration datum. This calibration datum is then used to calibrate associated dead reckoning tracking information associated of the same time interval. Again, the results of this comparison will determine whether or not the computer mouse 100 remains in hybrid mode (i.e., with only the accelerometer 104 providing the tracking information to the computer 112) or reverts to an optical tracking active mode whereby the tracking information is provided solely by the optical tracking engine 102 with the concomitant increase in power consumption".

The specification clearly relies upon the microcontroller 106 to determine whether or not to deactivate the optical tracking engine 102 in such a way that would be impossible for a human being to successfully perform as the Examiner would lead one to believe. The Examiner's interpretation of claim 1 relies upon a user somehow determining that the accuracy of the first tracking information is insufficient (the Examiner does not elucidate how a user would accomplish this task nor what criteria would be used) and only then would the user take action to manually switch to the second tracking device.

To summarize, the Applicants' strongly believe that claim 1 is not anticipated nor suggested by Scholder since the invention clearly relies upon processes that cannot be performed by a human being in a manner consistent with the plain meaning of the specification and therefore the Examiner's reliance on human intervention to anticipate the invention is totally without merit.

Therefore, for at least the reasons stated above, the Applicants' believe that claim 1 is not anticipated by Scholder and respectfully request that the 35 U.S.C. 102(b) rejection be withdrawn.

Claim 22 recites the same limitations as claim 1, albeit as computer program product and is also believed to be allowable for at least the reasons stated above for claim 1.

All dependent claims are also believed to be allowable.


A number of claims were rejected as being obvious over Scholder in view of Liu that, in view of the arguments above, adds nothing to the primary reference that in any combination would render the rejected claims unpatentable. Therefore, the Examiner is respectfully requested to withdraw the obviousness type rejections thereof.

CONCLUSION

Applicants' believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

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